

MAILED JAN 30 2004  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven B. Landau  
Application No.: 10/757,364 Group: NOT ASSIGNED  
Filed: January 13, 2004 Examiner: NOT ASSIGNED  
Confirmation No.: NOT ASSIGNED  
For: METHOD OF TREATING FUNCTIONAL BOWEL DISORDERS



CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
1/27/04	Wendy Morrissey
Date	Signature
Wendy Morrissey	
Typed or printed name of person signing certificate	

TRANSMITTAL OF DECLARATION, POWER OF ATTORNEY,  
STATEMENT UNDER 37 C.F.R. 3.73(b) AND FILING FEES (INCLUDING SURCHARGE)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following documents and fees are being submitted for filing in the captioned application.  
**A NOTICE TO FILE MISSING PARTS HAS NOT ISSUED IN THIS APPLICATION.** The documents are being submitted to expedite handling of the application and should avoid the need for the Office to process a Notice to File Missing Parts.

**[X] EXECUTED DECLARATION FOR PATENT APPLICATION**

(Separate transmittal letter and postcard not required)

02/04/2004 RMEBRANT 00000007 10757364

**[X] POWER OF ATTORNEY DOCUMENT**

**[ ] GRANTED BY INVENTOR(S)**

**[X] GRANTED BY ASSIGNEE, including Statement under 37 C.F.R. 3.73(b)**

(Separate transmittal letter and postcard not required)

01 FC:1001	770.00 DP
02 FC:1051	130.00 DP
03 FC:1201	516.00 DP
04 FC:1202	756.00 DP

**[X] FILING FEE - with Fee Transmittal for Patent Applications in duplicate**

Fee calculations based on:

**[X] Claims as originally filed**

**[ ] Claims upon entry of the Preliminary Amendment filed [herewith] [with the application]**

(Separate transmittal letter and postcard not required)

**[X] SURCHARGE - surcharge fee of \$130***(Separate transmittal letter and postcard not required)*

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of **\$2172**. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Susan M. Abelleira

Susan M. Abelleira

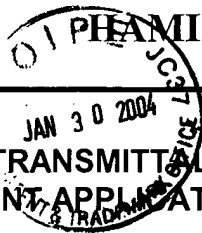
Registration No.: 42,252

Tel.: (978) 341-0036

Fax: (978) 341-0136

Concord, Massachusetts 01742-9133

Date: *January 27, 2004*



# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

<b>FEE TRANSMITTAL FOR PATENT APPLICATIONS</b>	Attorney Docket Number	3506.1000-002
	Application Number	10/757,364
	First Named Inventor	Steven B. Landau

CLAIM CALCULATION (includes any preliminary amendment)

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		62 - 20* =	42	x \$ 18 =	\$ 756
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		9 - 3** =	6	x \$ 86 =	\$ 516
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 290 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 770
Total of above Calculations =					\$ 2042
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =					\$
TOTAL =					\$ 2042
Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =					\$ 130
Petition for Extension of Time Fee (37 C.F.R. 1.17) =					\$
Assignment Recordation Fee = (only when filed with application)					\$
[Other]					\$
TOTAL =					\$ 2172

1. Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☐ A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

2. ☒ A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

3. ☒ A check is enclosed for \$2172. ☐ Please charge \$[ ] to Deposit Account No. 08-0380.

4. ☐ Other: \_\_\_\_\_

Signature	<i>Susan M. Abelleira</i>	Date	<i>January 27, 2004</i>
Submitted by Typed or Printed Name	Susan M. Abelleira	Reg. Number	42,252



DOCKET NO. 3506.1000-002

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD OF TREATING FUNCTIONAL BOWEL DISORDERS

the specification of which (check one)

- [ ] is attached hereto.
- [X] was filed on January 13, 2004 as United States Application Number 10/757,364.
- [ ] was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] [OPTION and assigned United States Application No. [ ]].
- [ ] and was amended on [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

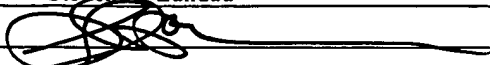
I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	[ ]	[ ]	[ ]
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	[ ]	[ ]	[ ]
(Number) _____	(Country) _____	(Day/Month/Year filed) _____	[ ]	[ ]	[ ]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole

or first inventor Steven B. Landau

Inventor's Signature 

Date

1/23/2004

Residence 44 Tanglewood Road

Wellesley, Massachusetts 02481

Citizenship USA

Mailing Address Same as above

Full name of second joint

inventor, if any \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Mailing Address \_\_\_\_\_

Full name of third joint

inventor, if any \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Mailing Address \_\_\_\_\_

Full name of fourth joint

inventor, if any \_\_\_\_\_

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Residence \_\_\_\_\_

Citizenship \_\_\_\_\_

Mailing Address \_\_\_\_\_

JAN 30 2004

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT AND  
CORRESPONDENCE ADDRESS**

Application Number	10/757,364
Filing Date	January 13, 2004
First Named Inventor	Steven B. Landau
Confirmation Number	
Group Art Unit	
Examiner Name	
Attorney Docket Number	3506.1000-002

Title METHOD OF TREATING FUNCTIONAL BOWEL DISORDERS

I/We hereby appoint

☒ the attorneys/agents associated with **Customer No. 021005**

☐ Practitioner(s) named below:

as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

☒ Customer Number 021005

Hamilton, Brook, Smith & Reynolds, P.C.

530 Virginia Road

P.O. Box 9133

Concord, Massachusetts 01742-9133

☐ Other

Please direct all telephone calls and facsimiles to:

Name Helen E. Wendler, Esq. Tel. No. 978-341-0036 Fax No. 978-341-0136

I am the:

☐ Applicant/Inventor.

☒ Authorized representative of the Assignee, Dynogen Pharmaceuticals, Inc., of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

☐ Authorized representative of the Assignee, [ ], together with [ ], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

**SIGNATURE of Applicant or Assignee of Record**

Name & Title	Mark F. Bashar, Vice President, Legal Affairs
Signature	<i>Mark F. Bashar</i>
Date	1-26-04



Docket No. 3506.1000-002

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventor: Steven B. Landau

Application No./Patent No.: 10/757,364 Filed/Issue Date: January 13, 2004

For: METHOD OF TREATING FUNCTIONAL BOWEL DISORDERS

Dynogen Pharmaceuticals, Inc., a Corporation,  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: Mar 26 2004

Name: Mark F. Bashar

Title: V.P., Legal Affairs

Signature: Mark F. Bashar

ASSIGNMENT**COPY**Sole

WHEREAS, I, **Steven B. Landau**, have invented a certain improvement in **METHOD OF TREATING FUNCTIONAL BOWEL DISORDERS**, described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for 37 CFR §1.53(b) filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/757,364**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. [   ], which designates the United States of America;
- ☐ which was patented under United States Patent No. [   ].

WHEREAS, **Dynogen Pharmaceuticals, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware** and having a usual place of business at **31 St. James Avenue, Suite 905, Boston, Massachusetts 02116** desires to acquire an interest therein in accordance with agreements duly entered into with me;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, I have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by me had this assignment and sale not been made; I hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. I hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;



AND, I hereby further agree for myself and my executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any further applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, I do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal the date set forth below.

Inventor's Signature: \_\_\_\_\_

Steven B. Landau

State/Commonwealth

of Massachusetts

County of Suffolk

Then personally appeared before me the above-named **Steven B. Landau** and acknowledged that he executed the foregoing instrument as his free act and deed this 23rd day of January, 2004.

(SEAL)

Karyn D. Anderson  
KARYN D. ANDERSON

Notary Public

(print name)

My Commission expires 9 / 3 / 2010